

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

March 19, 2007

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Morrison, Associate Justice and Horner, bailiff.

C052050 STRAIT v. HEALTH NET, INC.

Cause called. Richard M. Glovin argued for appellant. Christine T. Hoefner argued for respondent. Cause submitted.

At 10:10 a.m., the court recessed. At 10:14 a.m., the court reconvened with Nicholson, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C051576 In re ELECIO S.; THE PEOPLE v. ELECIO S.

Cause called. Kate Johnston, court appointed counsel, argued for appellant. Melissa Lipon, Deputy Attorney General, argued for respondent. Cause submitted.

C049297 THE PEOPLE v. JOHNSON

Cause called. Roberta Simon, court appointed counsel, argued for appellant. Christian D. Hitomi, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:56 a.m., the court recessed. At 2:03 p.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Raye, Associate Justice.

C053168 VOGT et al. v. SX RANCH, INC.

Cause called. Scott E. Rubright argued and Emily L. Fries appeared only for appellants. James R. Rose argued for respondent. Cause submitted.

At 2:27 p.m., the court recessed until 9:30 a.m., Tuesday, March 20, 2007.

C050483 THE PEOPLE v. DEY

(Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.
 Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

March 19, 2007, continued

C052403 THE PEOPLE v. PAPENHAUSEN (Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Davis, Acting P.J.

Hull, J.

C052456 THE PEOPLE v. MORGAN (Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Davis, Acting P.J.

Hull, J.

C052470 THE PEOPLE v. EVANS (Not for Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.

Davis, J.

C053102 THE PEOPLE v. CURRIER (Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Morrison, J.

C053094 GONZALEZ v. MARUFFO

BY THE COURT:

Appellant's motion to reinstate the appeal is granted. The order of February 16, 2007, dismissing the appeal is vacated, and the appeal is reinstated. Appellant's opening brief and appendix shall be served and filed on or before April 9, 2007.

Failure to comply with the conditions of this order will result in the immediate dismissal of the appeal without further warning.

SCOTLAND, P.J.

March 20, 2007

At 9:29 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Hull, Associate Justice; Robie, Associate Justice; and Harper, bailiff.

C050372 KOKEN etc. v. PRECISION FRAMING, INC.

Cause called. Louise Burda Gilbert argued for appellant. Richard G. Fathy argued for respondent. Cause submitted.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

The Minutes

March 20, 2007, continued

At 9:55 a.m., the court recessed. At 9:58 a.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C050715 CONDON-JOHNSON & ASSOCIATES v. SACRAMENTO MUNICIPAL UTILITY DISTRICT

Cause called. Arthur G. Woodward argued and Michael J. Kuzmich appeared only for appellant. Christopher M. Rogers argued and Michael G. Long appeared only for respondent. Cause submitted.

At 10:24 a.m., the court recessed until 9:30 a.m., Wednesday, March 21, 2007.

C048560 THE PEOPLE v. GREGORY (Not for Publication)

The judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment... The trial court is further ordered to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

MORRISON, J.
We Concur: Davis, Acting P.J.
Butz, J.

C051743 THE PEOPLE v. McAULIFFE (Not for Publication)

The judgment is affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
Cantil-Sakauye, J.

C050630 FOSTER v. BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS (Not for Publication)

The appeal is dismissed.
RAYE, J.
We Concur: Scotland, P.J.
Davis, J.

C053652 In re J.S.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. KOY S. (Not for Publication)

The order of the juvenile court is affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
Robie, J.

4

At 10:58 a.m., the court recessed. At 11:03 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

5

The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

March 21, 2007, continued

- C050813 GARLOCK SEALING TECHNOLOGIES, LLC v. NAK SEALING TECHNOLOGIES CORP. and SUNRISE TRADING CO.**
(CERTIFIED FOR PUBLICATION)
- The portion of the judgment denying Garlock's claim for implied contractual indemnity is reversed. In all other respects, the judgment is affirmed. Sunrise Trading shall recover its costs on appeal... The matter is remanded to the trial court with directions to consider Garlock's claim of implied contractual indemnity in light of the discussion in this opinion.
- CANTIL-SAKAUYE, J.
- We Concur: Raye, Acting P.J.
 Butz, J.
- C051973 HERNANDEZ etc. v. VILCHIS-SORIANO and LAUB and LAUB**
(Not for Publication)
- The judgment (order) is affirmed. Objector shall bear all costs on appeal.
- BLEASE, Acting P.J.
- We Concur: Nicholson, J.
 Morrison, J.
- C044562 THE PEOPLE v. DAVIS et al.**
BY THE COURT:
- The remittitur previously issued in this matter is recalled pursuant to the order of the Supreme Court of the United State issued on February 20, 2007. The decision filed on February 27, 2006 is vacated, and the appeal is reinstated. The trial court clerk is directed to forthwith return to this court the remittitur issued on June 19, 2006.
- John Hardesty is reappointed as counsel for appellant Davis; Matt Wilson is reappointed as counsel for appellant Boyd in the above proceeding.
- ... Appellants are directed to serve and file supplemental letter briefs, addressing Cunningham issues only... Respondent may serve and file a responsive supplemental letter brief within 20 days from the date the appellants' supplemental letter briefs are filed. Appellants may serve and file reply supplemental letter briefs within 20 days of the date the respondent's supplemental letter brief is filed.
- SCOTLAND, P.J.

March 22, 2007

- C051272 THE PEOPLE v. JOHNSON**
(Not for Publication)
- The judgment is affirmed.
- CANTIL-SAKAUYE, J.
- We Concur: Nicholson, Acting P.J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

March 22, 2007, continued

- C052198 NEELEY et al. v. MARTIN et al. (Not for Publication)**
The judgment is affirmed. Defendants are awarded their costs on appeal...
BLEASE, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C052564 SHEPARD v. EDWARD MACKAY ENTERPRISES et al. (CERTIFIED FOR PUBLICATION)**
The judgment (order) is reversed. Appellants (defendants) shall recover their costs on appeal...
BLEASE, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C052583 In re MARIE H. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. MARIE H. et al. (Not for Publication)**
The orders denying the petition to terminate the guardianship and reinstating the dependency are reversed and the case is remanded to the juvenile court to enter new orders in accordance with the limitations of dependency law. The order modifying visitation is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Morrison, J.
- C052518 THE PEOPLE v. FAY**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.
- C054758 THE PEOPLE v. WILLIAMS**
BY THE COURT:
Appellant's motion to have the appeal in the above-entitled matter transferred to the appellate division of the Sacramento County Superior Court is granted...
SCOTLAND, P.J.
- C054777 GONZALEZ v. DENTAL BOARD OF CALIFORNIA et al.**
BY THE COURT:
Appellant's "Motion for Rehearing and Clarification and Reinstatement of Appeal, or in the Alternative, Remand" is denied.
SCOTLAND, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

March 23, 2007

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Robie, Associate Justice; Butz, Associate Justice; and Horner, bailiff.

C052081 JACKSON v. DEPARTMENT OF MOTOR VEHICLES

Cause called. Bradley G. Booth argued for appellant. Jeffrey Schwarzschild, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:54 a.m., the court recessed. At 9:59 a.m., the court reconvened with Davis, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C050196 ORR v. CITY OF STOCKTON et al.

Cause called. Shelley L. Green, Deputy City Attorney, argued for appellants. Stewart M. Tabak argued for respondent. Cause submitted.

At 10:27 a.m., the court recessed. At 10:30 a.m., the court reconvened with Davis, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C050940 HOSCHLER v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

Cause called. Michael N. McCallum argued for appellant. David E. Lyon argued for respondent. Cause submitted.

At 11:09 a.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Morrison, Associate Justice.

C050844 THE PEOPLE v. ARATA

Cause called. William M. Balin argued for appellant and submitted additional citations. Craig S. Meyers, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:27 p.m., the court recessed. At 2:33 p.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C050852 THE PEOPLE v. HALEY

Cause called. Zenia K. Gilg argued and Danny B. Schultz appeared only for appellant. Jennifer M. Poe, Deputy Attorney General, argued for respondent. Cause submitted.

9

SCOTLAND, P.J.